

REMARKS/ARGUMENTS

The Applicants hereby thank the Examiner for the observations in the outstanding Office Action. Claims 1, 2, and 10 are herein amended; Claims 3-7 are herein canceled, without prejudice, thereby rendering moot their grounds for rejection; and new illustrative Claims 15 and 16 are herein added, to better encompass the full scope and breadth of the present invention, notwithstanding the Applicants' belief that the Claims would have been allowable as originally filed as well as herein amended.

The Applicants respectfully assert that no claim has been narrowed within the meaning of *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.* (Fed.Cir. November 29, 2000). Therefore, reconsideration of the present application in light of the foregoing amendment and these remarks is respectfully requested. However, should any remaining issues be outstanding, the Examiner is respectfully requested to telephone the undersigned at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

Claim Rejections under 35 U.S.C. §103(a)

Claims 1-2, 4-12 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Ellis et al. (US 2004/0117831), in view of Robarts et al. (US 2005/0278741). Claims 3 and 13 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Ellis, in view of Robarts, and further in view of Wilder et al. (US 2005/0278741). Claim 14 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Ellis, in view of Robarts, and further in view of Olah et al. (US 2003/0005072).

The Applicants respectfully traverse these rejections and submit that Claims 1-14 are not obviated by the cited art, as the primary reference Ellis, even in view of secondary reference Robarts, notwithstanding Wilder and Olah, fails to expressly, implicitly, or inherently teach, suggest, or motivate, or obviate, in any other manner, the combination of elements and limitations as recited in herein amended independent Claim 1 of the present application, as

follows:

1. A method to facilitate use of an interactive program guide, comprising the steps of:
 - providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable audio/visual programs;
 - displaying an interactive program guide comprising at least one of the characterizing descriptors as corresponds to a particular one of the discrete selectable audio/visual programs;
 - detecting preliminary selection of a particular one of the discrete selectable audio/visual programs to provide a preliminarily selected audio/visual program;
 - when a user selects the preliminarily selected audio/visual program, automatically taking a first predetermined action with respect to the preliminarily selected audio/visual program;*
 - when a user preliminarily selects a different one of the plurality of discrete selectable audio/visual program, automatically taking a second predetermined action with respect to the preliminarily selected audio/visual program, which second predetermined action is different than the first predetermined action;*
 - when a user takes an action with respect to the preliminarily selected audio/visual program, which action does not comprise either selecting the preliminarily selected audio/visual program or preliminarily selecting a different audio/visual program, automatically taking a third predetermined action with respect to the preliminarily selected audio/visual program, which third predetermined action is different than the first and the second predetermined action,*
 - wherein the plurality of discrete selectable audio/visual programs are embodied in a plurality of media,*
 - wherein the step of automatically taking a first predetermined action comprises adding information regarding the preliminarily selected audio/visual program to a list of preferred items,*
 - wherein the step of automatically taking a second predetermined action comprises moving an area of visual focus away from the preliminarily selected audio/visual program, and*
 - wherein the step of automatically taking a third predetermined action comprises displaying the list of preferred items. [emphasis added]*

Regarding independent Claim 10, the Applicants respectfully traverse the rejection, as Ellis, even in view of Robarts, and even in further view of Wilder and Olah, does not teach, suggest, or motivate, either expressly or implicitly, or obviate, in any other manner, the combination of elements and limitations of herein amended independent Claim 10, reciting as follows, *inter alia*:

10. A method to facilitate provision of an interactive programming guide, comprising the steps of:
 - providing access to characterizing descriptors as individually correspond to a plurality of discrete selectable items of audio/visual content;
 - providing an updatable list of preferred items of audio/visual content;
 - displaying an interactive programming guide comprising at least one of the characterizing descriptors;
 - providing an area of visual focus on a particular displayed one of the characterizing descriptors;
 - in response to a first signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updatable list of preferred items of*

PATENT

U.S. Patent Application Serial No. 10/806,830

Title: Interactive Program Guide with Preferred Items List Apparatus and Method

Applicant: Nishikawa et al.

Response to Office Action of June 2, 2008

Attorney Docket No. 81233.7114

audio/visual content;

in response to a second signal that is different from the first signal, moving the area of visual focus to a different one of the characterizing descriptors;

in response to a third signal that is different from both the first signal and the second signal, displaying the updatable list of preferred items of audio/visual content,

wherein the plurality of discrete selectable items of audio/visual content are embodied in a plurality of media.

Particularly, Robarts fails to teach or make obvious at least “in response to a **first** signal, adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updateable list of preferred items of audio/visual content” (emphasis added). In fact, Robarts teaches against the present invention in that Robarts requires **two** signals, e.g., a select signal and a signal indicating Fig. 6 element 200 has been selected, before adding information regarding the discrete selectable item of audio/visual content as corresponds to the particular displayed one of the characterizing descriptors as is presently in the area of visual focus to the updateable list of preferred items of audio/visual content.

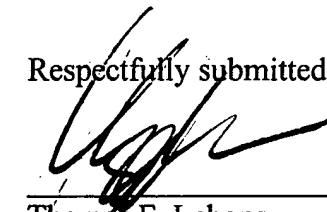
Thus, the Applicants respectfully submits that Claims 1, 2, and 8-16 have not been taught, suggested, motivated, either expressly or implicitly, or obviated, in any other manner, by the cited art. Therefore, the Applicants respectfully request that the grounds for rejection of the claims on this basis are withdrawn and that Claims 1, 2, and 8-16 are passed to allowance in due course.

CONCLUSION

Accordingly, reconsideration of the present application in light of the foregoing amendment and remarks is respectfully requested and a Notice of Allowance is respectfully requested. *The Examiner is further cordially invited to telephone the undersigned for any reason which would advance allowance of the pending claims.* In the event that any additional fees become due or payable, the Examiner is authorized to charge USPTO Deposit Account No. 50-1616 accordingly. A duplicate of this authorization is attached herewith.

Dated: 9/2/2008

Respectfully submitted,



Thomas F. Lebens
Reg. No. 38,221
Attorney for Applicant

Address all correspondence to:

Thomas F. Lebens
Fitch, Even, Tabin & Flannery
Suite 1600, 120 South LaSalle Street
Chicago, IL 60603

Direct telephone inquiries to:

Thomas F. Lebens
(805) 781-2865